

FILED
CLERK

8:28 am, Dec 15, 2021

Order for Default Judgment

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Jane Doe v. Long Island Motors and David Delvecchio, CV 21-1232 (GRB)

Having reviewed all of the moving papers, I hereby find as follows:

Service of Process and Default

X The record reflects that proper service was made on defendants. Docket Entry ("DE") 8

X According to the record, no answer, motion or other appearance was filed on behalf of defendants.

X The Clerk has properly entered notation of default pursuant to Fed. R. Civ. P. 55(a). DE 10

Liability

Defendants' default constitutes "an admission of all well-pleaded allegations against the defaulting party." *Vermont Teddy Bear Co. v. 1-800 BEARGRAM Co.*, 373 F.3d 241, 244 (2d Cir.2004). Nevertheless, the Court is "required to determine whether the [plaintiffs'] allegations establish [defendant]'s liability as a matter of law." *Finkel v. Romanowicz*, 577 F.3d 79, 85 (2d Cir. 2009). Based upon examination of the complaint and motion papers, I find that plaintiffs have demonstrated that the uncontroverted allegations, without more, establish the defendants' liability on the following cause(s) of action:

1. Sex Discrimination under Title VII of the Civil Rights Act of 1964
2. Sex Discrimination under the New York State Human Rights Law
3. Gender Discrimination under the Suffolk County Human Rights Law

DE 1

Damages

Based upon a review of affidavits and other documentary evidence, see

Transatl. Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (holding a court may rely upon affidavits and documents in calculating damages upon default), I find that the plaintiff has established damages in the following amounts:

X **Principal Damages**, DE 13, 14 \$18,402.14

Back Pay Damages: \$18,402.14

X **Attorneys' Fees**, DE 15, Ex. A \$ 4,973.50

X **Costs**, DE 15, Ex. B & C \$ 585.52

1. Filing Fee: \$402.00

2. Process Server Fee: \$165.00

3. Other: \$ 18.52

TOTAL

\$23,961.16

Conclusion

For the foregoing reasons, plaintiff's motion for default judgment is hereby granted. The Court awards plaintiff damages in the amount of **\$23,961.16**, which excludes punitive and emotional damages. Punitive and emotional damages cannot be awarded in the absence of an inquest by the court. If plaintiff wishes to request an inquest, she must advise the Court within 20 days of the date of this Order; otherwise the case will be closed.

Dated: Central Islip

December 15, 2021

/s/ Gary R. Brown

HON. GARY R. BROWN